

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TAMMIE C. FIKE,)	
)	
Plaintiff,)	
)	
v.)	No. 23-cv-02591-TMP
)	
MARTIN O'MALLEY,)	
COMMISSIONER OF SOCIAL SECURITY)	
)	
Defendant.)	

ORDER GRANTING DEFENDANT'S MOTION TO REVERSE AND REMAND

The Commissioner of Social Security has moved the court to reverse the decision of the Administrative Law Judge (ALJ) and remand this action to the Commissioner pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g). (ECF No. 22.)¹ The necessity for remand was not apparent until the plaintiff filed her brief.

Remand will expedite administrative review, ensure that the Commissioner properly considers the plaintiff's claims, and may ultimately make judicial review unnecessary. Remand by this court is appropriate under 42 U.S.C. § 405(g), which provides:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the

¹After the parties consented to the jurisdiction of a United States magistrate judge on November 14, 2023, this case was referred to the undersigned to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. (ECF No. 16.)

Commissioner, with or without remanding the cause for a rehearing.

See also Melkonyan v. Sullivan, 501 U.S. 89 (1991); Newkirk v. Shalala, 25 F.3d 316, 318 (6th Cir. 1994).

For the foregoing reasons, and pursuant to the Supreme Court's decision in Shalala v. Schaefer, 509 U.S. 292 (1993), the Court hereby enters judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the decision of the ALJ and remanding this case to the Commissioner under sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

s/Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

January 17, 2024

Date